

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ENDURACARE THERAPY
MANAGEMENT, INC.,

Plaintiff,

v.

CORNERSTONE HEALTHCARE OF
ILLINOIS, INC. d/b/a WHITE COUNTY
MEDICAL CENTER, and JAMES R
CHEEK,

Defendants.

Case No. 05-cv-4112-JPG

MEMORANDUM AND ORDER

In light of Seventh Circuit admonitions, *see, e.g., America's Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072 (1992), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled. The Court has noted the following **defect** in the jurisdictional allegations of the Complaint (Doc. 1) filed by plaintiff EnduraCare Therapy Management, Inc. ("EnduraCare"):

- **Failure to allege the citizenship of an individual.** A complaint asserting diversity jurisdiction must allege the citizenship of an individual defendant, not merely residence. 28 U.S.C. § 1332(a)(1); *Meyerson v. Harrah's East Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002); *Held v. Held*, 137 F.3d 998, 1000 (7th Cir. 1998). Allegations of "residence" are jurisdictionally insufficient. *Steigleder v. McQuesten*, 198 U.S. 141 (1905). Dismissal is appropriate where parties allege residence but not citizenship. *Held*, 137 F.3d at 1000. EnduraCare has alleged the residence but not the citizenship of defendant James R. Cheek.

The Court hereby **ORDERS** that EnduraCare shall have up to and including July 8, 2005, to amend the faulty pleading to correct the jurisdictional defect. Failure to amend the faulty pleading may result in dismissal of this case for lack of subject matter jurisdiction or for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Amendment of the faulty

pleading to reflect an adequate basis for subject matter jurisdiction will satisfy this order.

EnduraCare is directed to consult Local Rule 15.1 regarding amended pleadings and need not seek leave of Court to file such amended pleading.

IT IS SO ORDERED.

DATED: June 21, 2005

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE